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December 20, 2006

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Annual Assessment of the Status of Competition in the Market for the Delivery of Video  
Programming, MB Docket No. 06-189 December 8, 2006

Dear Madame Secretary:

The City of Milwaukee (the "City") believes that the current local cable television franchising process has furthered the interests of competition in the roll-out of competitive video delivery systems. The experience all around the country over the last 15 years proves that local franchising encourages and accelerates competitive cable systems. Local franchise negotiations are the best means for granting competitive cable operators timely entry into local cable markets and at the same time ensuring that the needs and interests of the local community are adequately protected.

The City of Milwaukee, like other local franchising authorities, has waited anxiously for the emergence of real facilities-based video competition. The City does not intend to allow the franchise negotiation process to delay the introduction of a competitive video system. At the same time the City will not allow new entrants to ignore the real needs and interests of the City's citizens. Reasonable and non-discriminatory build-out plans, full and complete compliance with local laws and regulations, and adequate consumer service are the sine qua non of granting the privileged use of the public rights-of-way. Local franchising authorities, such as the City, must be able to negotiate the details of such franchises. For example, locally customized build-out requirements under 47 U.S.C. § 552(a)(2), negotiated between local communities and cable operators, assist in extending service to the maximum number of citizens without imposing uneconomic barriers to the new provider. And contrary to the

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claims of some local exchange carriers, there is no evidence that such local franchising delays entry. In fact, if local exchange carriers were willing to accept similar, or the same franchises under which the incumbent operator is providing service the carriers would have their competitive cable franchises in short order.

However, we understand that some local exchange carriers have demanded special treatment, haggling for better terms for themselves, then blaming any delays on local communities. In fact, AT&T Wisconsin recently notified the City of Milwaukee that they intend to provide video service to the City's citizens without obtaining a franchise at all. Recognizing that competition will bring to the City's citizens many benefits, and not wanting the City's and AT&T's disagreement over AT&T's need for a franchise, to delay AT&T's preparations for the provision of service, the City has continued to grant the company conditional construction permits while the City attempts to persuade AT&T that all parties are best served by negotiating a local cable franchise.

Finally, it does not appear that local franchising is delaying rollout of local exchange carrier cable services. News reports indicate that local exchange carriers are gaining franchises faster than they can build them out. For example, despite state-wide franchise in Texas, Indiana, Kansas and California, AT&T appears to be providing video service to only a few homes in only a few communities nation-wide. This November, AT&T Wisconsin notified the City of Milwaukee that it would be turning up U-Verse video services (without a cable franchise) in the City on December 16, 2006. Just this week AT&T notified the City that, for operational reasons, they will not be turning up the service as anticipated.

Very truly yours,

MILLER & VAN EATON, P.L.L.C.



By

Nicholas P. Miller  
Counsel for the City of Milwaukee

Cc: Chairman Martin  
Commissioner Michael Copps  
Commissioner Jonathan Adelstein  
Commissioner Deborah Tate  
Commissioner McDowell

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